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December 7, 1993

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United States Environmental  
Protection Agency, Region V  
Office of Superfund  
Minnesota/Ohio Remedial Response Branch (HSRM-6J)  
77 W. Jackson Street  
Chicago, IL 60604

## Re: Stickney Avenue Landfill and Tyler Street Dump

Dear Mr. Barounis:

According to the December 7, 1993 issue of The Blade (attached), U.S. EPA, Region V has announced the issuance of some type of action requiring a number of companies, including my client Owens-Illinois, to conduct studies at the sites. Owens-Illinois staff have not received this letter, and the company will respond accordingly when it does. Nevertheless, there is a preliminary matter which can be addressed now.

Recently, Owens-Illinois responded to a 104(e) request and noted that it did not have knowledge of involvement with the sites. Accordingly, it is imperative that my client be provided any information you may have of Owens-Illinois involvement at the site, or upon which you based the action referred to The Blade article.

This letter is to request that any information linking Owens-Illinois to the Stickney and Tyler sites be provided to me immediately. If there is no such information, Owens-Illinois requests that it be dropped from any future PRP lists.

Please reply by telephone or letter by Tuesday, December 14, 1993 whether this request will be complied with.

FULLER & HENRY

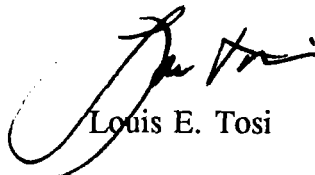
Mr. Tom Barounis

- 2 -

December 7, 1993

Again, when my client has had an opportunity to fully evaluate the "action" referred to in The Blade, it will reply more specifically.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Louis E. Tosi', with a large, stylized initial 'L'.

LET/rlb  
Enclosure  
4011-SF-G

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# THE BLADE

*One Of America's Great Newspapers*

46 PAGES

TOLEDO, OHIO, TUESDAY, DECEMBER 7, 1993

## Ottawa River dumps to join Superfund list

BY TOM HENRY  
BLADE STAFF WRITER

The Ottawa River is so polluted that two old waterfront landfills will soon be declared federal Superfund sites and a third could be so designated by next August, an official at the U.S. Environmental Protection Agency confirmed yesterday.

Dumps on Tyler Street and Stickney Avenue will receive the Superfund designation soon, while the Dura Avenue landfill could be added to the list in 1994, said Tom Barounis, remedial project manager for Superfund sites.

Superfund, a 13-year-old program

initiated in response to chemical contamination at Love Canal in upstate New York, was created to provide rapid cleanup of the nation's most polluted sites.

Its purpose is to have the federal government clean up the sites and seek reimbursement from polluters through negotiation or in court.

The Tyler and Stickney landfills are among 33,000 sites being reviewed nationwide for Superfund status. The government's national priority list now has 1,200 sites targeted for cleanup.

"The [Tyler and Stickney] sites are not yet listed, but we anticipate shortly that they will be," said Mr. Barounis, who works for the EPA's

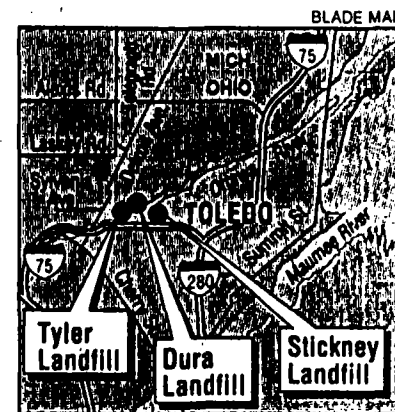
regional office in Chicago.

But, contrary to the goal of Superfund, getting on the priority list doesn't ensure immediate results.

Since the program was initiated in 1980, fewer than 150 sites have been completed and the average cleanup time is 8½ years, according to Fred Eames, an aide to U.S. Rep. Paul Gillmor (R., Old Fort).

A Rand Corp. study released in early November said about one-third of all Superfund money now goes for legal fees and other expenses not related to cleanup.

Jan Edelstein, director of the National Environmental Trust Fund, said at a Superfund conference in Cleveland last week that municipal



dump sites usually have more trouble getting Superfund money because there are lengthy court battles aimed at identifying the polluters and determining what percentage each one must pay.

For the Tyler and Stickney sites, the federal EPA has identified 21 parties that currently do or formerly have done business in Toledo.

The EPA refers to them as "potentially responsible parties."

Turn to Page 7, Col. 1 ▶

# Superfund

► Continued from Page 1

To get the cleanup moving faster at the Tyler and Stickney sites, the federal EPA has given the 21 potentially responsible parties one month to submit a plan to pay for more scientific research along the river.

Failure to meet the deadline could result in fines of \$5,000 to \$20,000 a week, according to a consent order issued by the federal EPA last Wednesday.

Mr. Barounis said it is a more aggressive approach than what has been tried in the past.

"It's part of a new strategy to do the cleanup more quickly," he said.

Stickney is a 55-acre dump owned by Chrysler Corp. Tyler is a 77.6-acre landfill owned by Toledo residents Ronald Gorney, of Creekside Avenue, and Mark S. and Linn A. Gorney, of King Road, the U.S. EPA said.

On a separate list that accompanies the consent order, the potentially responsible parties identified by the U.S. EPA include AP Parts Manufacturing Co., Champion Spark Plug Co., Dana Corp., E.I. DuPont de Nemours & Co., Matlack Co., Owens-Illinois, Inc., Plabell Rubber Products Corp., Reichert Stamping Co., The Blade, Toledo Edison, and Vallet Paint Service Co., all of Toledo.

Others identified were Centerior Energy of Independence, O.; Chevron U.S.A., Inc., of Richmond, Calif.; Chrysler Corp. of Highland Park, Mich.; Community Sanitation Service, Inc., of Cleveland; Dura Corp. of Cleveland; GenCorp Inc. of Fairlawn, O.

The list also includes the city of Toledo, the University of Toledo, and the Gorneys. Ronald Gorney operates an automobile junk yard on the west end of Tyler, the federal EPA said.

The additional studies are the first step toward cleanup. The potentially responsible parties also would be expected to either pay for the cleanup as it occurs, or reimburse the Superfund program, Mr. Barounis said.

The Tyler and Stickney sites are two of several old industrial landfills that leak cancer-causing PCBs and heavy metals into the Ottawa River. Ohio EPA official Jeff Wander once described them as being part of a mile-long stretch of the river that is "wall-to-wall dumps."

That segment includes the old Dura Avenue landfill, which has leaked contaminants for years.

The city of Toledo and the state EPA have begun construction on a steel wall to help block the flow of pollution from Dura. The wall is to be part of a \$5 million system in which leachate will be treated at an on-site facility and discharged into the sewage network.

City Pollution Control Director Don Moline said he was not surprised by the EPA's letter, and that he agrees the dumps need to be cleaned up.

"They've been in here for a couple of months looking at our records," Mr. Moline said of the federal officials.

But he said the bureaucracy of Superfund has made the program ineffective. "Traditionally, it [the Superfund designation] doesn't mean immediate action will be taken," Mr. Moline said.

City Law Director Keith Wilkowski said last night he had not seen the EPA's consent order. He declined comment.

Jane Montgomery, an attorney for Chrysler Corp., also said she had not received the letter from the EPA.

"I don't have any knowledge one way or another," she said.

William Kerner, an attorney for the Centerior Energy Corp., parent of the Toledo Edison Co., said he received the EPA letter late yesterday afternoon. But, he said: "We do not believe we have an involvement at either the Stickney Avenue site or the Tyler Street site."

Mr. Kerner said he believes high profile companies, such as Toledo Edison, are being penalized by federal regulators for what was common practice years ago.

"It's just a mess out there [at the Stickney and Tyler sites], and lots of things were done by a lot of people that were perfectly legal at the time," he said.

Lisa Wurster, an official with Dana Corp., said the company had received the EPA letter yesterday afternoon, but declined to comment further.

William Block, Jr., co-publisher and president of The Blade, said: "We have no evidence of putting anything at either landfill. If we're found to have participated in those landfills, we will fulfill our legal obligations."

*Blade Staff Writer Steve Murphy contributed to this report.*